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May 12, 2022

Via E-Mail (woodsnydchambers@nysd.uscourts.gov)

Honorable Gregory H. Woods
United States District Court, Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 2260
New York, NY 10007

Re: *NexPoint Strategic Opportunities Fund v. Acis Capital Management, L.P., et al.*,
No. 21-cv-04384: Joint Stipulation and Order of Substitution of Counsel for
Intervenor-Defendant Highland CLO Funding Ltd. [ECF No. 112]

Dear Judge Woods:

I write pursuant to Section 1(F) the Court's Individual Rules of Practice in Civil Cases to bring to the Court's attention our filing of the Joint Stipulation and Order of Substitution of Counsel for Intervenor-Defendant Highland CLO Funding Ltd. ("Highland") in the above-captioned case [ECF No. 112].

As described in our filing, a copy of which is enclosed herewith, Highland wishes to substitute Akin Gump Strauss Hauer & Feld LLP ("Akin Gump") as its counsel of record in place of Kasowitz Benson Torres LLP ("Kasowitz"). The Joint Stipulation has been signed by Highland and by counsel for all parties, as well as by the incoming and outgoing attorneys. And because I represented Highland at Kasowitz and will continue to represent Highland at Akin Gump, the substitution will not cause any undue delay or prejudice to any party. I respectfully request that the Court approve the submitted Joint Stipulation and Order in accordance with Local Civil Rule 1.4 of the United States District Courts for the Southern and Eastern Districts of New York.

We appreciate the Court's attention to this matter and are available to answer any questions.

Sincerely,


Uri A. Itkin

Encls.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NEXPOINT STRATEGIC OPPORTUNITIES FUND,

Plaintiff,

-against-

ACIS CAPITAL MANAGEMENT, L.P., U.S.
BANK, N.A., JOSHUA N. TERRY, AND
BRIGADE CAPITAL MANAGEMENT, LP,

Defendants,

-and-

HIGHLAND CLO FUNDING LTD.

Intervenor-Defendant.

Case No. 21-cv-04384

**JOINT STIPULATION AND ORDER
OF SUBSTITUTION OF COUNSEL
FOR INTERVENOR-DEFENDANT
HIGHLAND CLO FUNDING LTD.**

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned and pursuant to Local Civil Rule 1.4 of the United States District Courts for the Southern and Eastern Districts of New York, and subject to the approval of the Court, that the law firm of Akin Gump Strauss Hauer & Feld LLP (“Akin Gump”) is hereby substituted in place of the law firm of Kasowitz Benson Torres LLP (“Kasowitz”) as counsel of record for Intervenor-Defendant Highland CLO Funding Ltd. (“Highland”) in the above-captioned action.

A supporting declaration is attached hereto pursuant to Local Civil Rule 1.4.

PLEASE TAKE NOTICE that all pleadings, notices of hearing, and other filings in this matter should be served upon the following incoming counsel:

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May 12, 2022

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Dated: New York, New York
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*Attorneys for Defendant Brigade Capital
Management, LP*

Highland CLO Funding Ltd.

By: 

SO ORDERED:

The Honorable Gregory H. Woods

Dated:
New York, New York

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NEXPOINT STRATEGIC OPPORTUNITIES FUND,

Plaintiff,

-against-

ACIS CAPITAL MANAGEMENT, L.P., U.S.
BANK, N.A., JOSHUA N. TERRY, AND
BRIGADE CAPITAL MANAGEMENT, LP,

Defendants,

-and-

HIGHLAND CLO FUNDING LTD.

Intervenor-Defendant.

Case No. 21-cv-04384

**DECLARATION PURSUANT TO
LOCAL CIVIL RULE 1.4**

I, Uri A. Itkin, make this declaration under the penalties of perjury pursuant to 27 U.S.C. § 1746:

1. I am an attorney admitted to practice before the courts of the State of New York and the United States District Court for the Southern District of New York. I am a partner of the law firm Akin Gump Strauss Hauer & Feld LLP (“Akin Gump”).
2. Pursuant to Local Civil Rule 1.4 of the United States District Courts for the Southern and Eastern Districts of New York, I respectfully submit this declaration in support of the accompanying Joint Stipulation and Order substituting Akin Gump for Kasowitz Benson Torres LLP (“Kasowitz”) as counsel of record for Intervenor-Defendant Highland CLO Funding Ltd. (“Highland”) in the above-captioned action.
3. Highland wishes to retain Akin Gump as its counsel in Kasowitz’s place in the above-captioned action, and all parties have consented to the withdrawal of Kasowitz.
4. This action was commenced by the filing of the Complaint on May 14, 2021 by Plaintiff NexPoint Strategy Opportunities Fund [ECF No. 1]. Plaintiff filed the Second

Amended Complaint on November 23, 2021 [ECF No. 42]. On November 24, 2024, Highland filed a Motion to Intervene, which the Court granted on December 7, 2021 [ECF Nos. 43, 49]. On January 27, 2022, Highland filed a Motion to Dismiss Plaintiff's Second Amended Complaint [ECF No. 78]. On February 25, 2022, Plaintiff filed its opposition to Highland's Motion to Dismiss [ECF No. 96]. On March 10, 2022, Highland filed a reply in further support of its Motion to Dismiss [ECF No. 108]. Briefing is now complete.

5. The proposed substitution of Akin Gump as counsel for Highland should not materially delay or prejudice any party. I respectfully request that the Court approve the Joint Stipulation and Order of Substitution of Counsel for Intervenor-Defendant Highland CLO Funding Ltd. submitted herewith.

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

AKIN GUMP STRAUSS HAUER & FELD LLP

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Joint Stipulation and Order of Substitution of Counsel for Intervenor-Defendant Highland CLO Funding Ltd. and supporting Declaration was served on this 12 day of May, 2022 on all counsel of record via CM/ECF pursuant to the Federal Rules of Civil Procedure.

By: /s/ Uri A. Itkin
Uri A. Itkin